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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,853	09/12/2003	Joseph W. Cole	COLEI.0012P	8537
32856	7590	08/03/2005	EXAMINER	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/661,853	Applicant(s) COLE, JOSEPH W.	
	Examiner John M. Hotaling II	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 11, 12 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 12 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5, 11, 12, 18-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-19 of copending Application No. 10/941,386. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention similarly a gaming device which comprising various similar components as disclosed in the claims of the US Application No. 10/941,386. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 4, 20-22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by McLeod et al US Patent 6,560,093. McLeod discloses a computer terminal for use in specific public and business applications where high use requires periodic maintenance of the various operating components thereof. The computer cabinet is accessible through a display screen or monitor that acts as a door which fully covers the front portal of the cabinet. Inside the door is all of the computer hardware including the controller. The computer hardware contained in the cabinet will have any conventional form for providing the desired services to the intended user and is preferably mounted to the back side of the cabinet. The computer terminal also includes various computer peripherals which are preferably mounted in a drawer (base) below the monitor in a lower portion of the front panel. The peripherals may also include an electronic card reader, a barcode scanner. The various computer hardware is typically modular and may be conveniently disassembled as required for removing, repairing, or replacing the various components as necessary in a typical maintenance service operation. The monitor and the tracks that it follows acts to serve to position

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and protect the monitor since the links are sized in length to position the outer ends thereof within the vertical elevation of the tracks over the total open-to-close movement of the monitor (4:55-67) which is a limit stop. The cosmetic bezels surrounding the monitor and keyboard as illustrated in figure 4 abut each other at a tightly fitting joint. Columns 5 and 6 disclose the mounting of the monitor using a pivot lock bar and hooks. As can be seen from figures 3-6 the bottom of the monitor is pinned to a movable support bracket while the top of the monitor has a hook arrangement that engages with a pivoting locking bar.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al US Patent 6,560,093 in view of Weiss US Patent 6,623,006. McLeod discloses all of the instant application as disclosed in the discussion of the claims above with the exception of specifically teaching the exact claim limitations of utilizing a specific pin structure for securing the monitor. Instead McLeod discloses the use of lower pins and upper hooks and a track system which position a monitor for access to a machine and its hardware components therein. In an analogous reference to Weiss therein is disclosed a door (bezel) and a monitor which are movable with respect to the vertical axis which move to give one access to the room behind the LCD monitor where

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storage can be provided for other instrumentalities useful in the game, such as surplus coinage, other peripherals etc. Weiss teaches one of ordinary skill in the art that specific mounting of a LCD screen in a machine movable about an axis to provide access to instrumentalities can be variable while performing the same functions.

Therefore, one of ordinary skill in the art would understand that various methods of securing the monitor to the cabinet would be well within the capabilities of one skilled in the art. With respect to the claim 25 please see the stop limit discussion above.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al US Patent 6,560,093 as applied to the claims above and further in view of McKay US Patent 5,813,917. McLeod discloses all of the instant application with the exception of a plurality of access panels in the base and that the access panels are rotated upwardly. Instead 6:30-40 disclose that the drawer 32 with the peripherals is removable from the cabinet by sliding the drawer out which provides access to the peripherals and the cabinet lower portion. In an analogous device to McKay, which discloses a game machine slant top cabinet with a plurality of upwardly rotated access panels. One would be motivated to combine the two business machines in that both of the cabinet structures are designed so that manipulation and access by maintenance people and technicians in a relatively efficient manner so that the servicing of these machines can proceed expeditiously with a minimum of downtime. It would be obvious to one of ordinary skill in the art to combine the two business machines in order to have all of the necessary peripherals and the adequate access thereto.

Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al US Patent 6,560,093 as applied to the claims above and further in view of Qui US Patent Application Publication 2002/0079790. McLeod discloses all of the instant application with the exception of specifically disclosing a controller platform movable in two positions. Instead, McLeod discloses that the controller is preferably mounted to the back wall and is capable of being removed. This is the controller movable in two positions. The invention to McLeod is to provide access to a space behind a monitor and to utilize this space in an efficient manner. In an analogous reference to Qui therein is disclosed a computer enclosure having a pivotable bracket which is installed in a computer enclosure in order to maximize the availability of space within the enclosure. Therefore it would be obvious to one of ordinary skill using the motivation of maximizing space in an enclosure to have a pivotable controller support in order to maximize cabinet space.

#### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Runte '136, Gerding '828, Weiss '645, Oles et al '484, Beadell et al '128, Valencia et al '518, Hedrick et al '204, disclose game machine cabinet structure and enclosures

Smith et al '176, Holden '613, Schmidt '094, Matsuo et al '829, Bonsall et al '101, Lee '575, Thompson et al '776, Sun '228 and Chu 296 disclose LCD monitor attachment means.

Butters et al '422, Wooden et al '576, Reddicliffe '488, Gill et al '032 disclose shelf structures for computer hardware

Stewart et al '111, Bosson '817, Tagami et al '145 disclose CPU holders

### ***Response to Arguments***

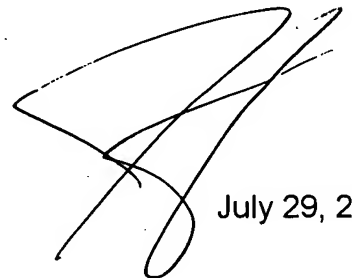
The double patenting rejection is maintained because none of the claims have yet been patented and are subject to change.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a stylized, cursive 'A' or similar character, followed by a horizontal line and a loop.

July 29, 2005